

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 16-428
	:	
DAVID T. SHULICK	:	

DEFENDANT'S SECOND OBJECTION TO TRIAL DATE

Defendant, David Shulick, by and through undersigned counsel, hereby objects to the April 11, 2018 trial date set by the Court (Dkt. 94 and 97) on the grounds that it violates Mr. Shulick's Sixth Amendment right to effective assistance of counsel, his Sixth Amendment right to a speedy trial, his right to due process of law under the Fifth Amendment, and the Speedy Trial Act, 18 U.S.C. §3161. Defendant states as follows:

1. For all the reasons set forth during the briefing, hearing and argument on defendant's Motion to Dismiss (Dkt. 63), counsel will not have adequate time to prepare for an April 11, 2018 trial, taking into account counsel's due diligence. The inability to adequately prepare for trial by April 11 is a direct consequence of the government's inexcusable delay in producing substantial discovery, and its inexcusable rolling production of evidence that was in its possession pre-indictment. The lack of adequate time for counsel to prepare violates Mr. Shulick's constitutional right to effective assistance of counsel and his due process rights.

2. For all the reasons set forth during the briefing, hearing and argument on defendant's Motion to Dismiss, Mr. Shulick's constitutional right to effective assistance of counsel cannot be satisfied without violating his constitutional and statutory right to a speedy trial. This untenable dilemma is a direct consequence of the government's continual delayed

production of discovery, including the failure to timely produce a major portion of discovery until over ten months after indictment despite it having been in the government's possession for years. Mr. Shulick's constitutional rights to a speedy trial and due process of law have already been violated, and a further continuance would amplify the prejudice to him, for all the reasons developed in the motion briefing, hearing and argument. Therefore, Mr. Shulick does not move for a continuance.

3. For all the reasons set forth at the hearing, argument, and prior filings, the April 11, 2018 trial date violates the Speedy Trial Act.

Respectfully submitted,

/s/_____
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CERTIFICATE OF SERVICE

I, Ann C. Flannery, counsel for defendant David Shulick, hereby certify that on this 30th day of November, 2017, I caused a true and correct copy of the foregoing Defendant's Second Objection to Setting of Trial Date to be served by ECF upon all counsel of record, including the following:

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